

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLON A. HOWELL,

Defendant.

CASE NO. CR06-260C

ORDER

This matter comes before the Court on the joint motion of the United States of America and Defendant Marlon A. Howell to continue the trial date (Dkt. No. 19).

The current pretrial motions cut-off date was October 12, 2006, and the current trial date is November 27, 2006. Defendant Howell and the Government agree that a continuance is necessary to allow Defendant to complete discovery and prepare for trial. Accordingly, Defendant Howell has waived speedy trial rights through April 1, 2007 (Dkt. No. 21).

Given the complex nature of this case, the Court finds that a denial of the requested extensions would unreasonably deny Defendant adequate preparation by their attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. § 3161(h)(8)(B)(iv) is appropriate.

1 The proposed continuance of the trial does not appear to prejudice any party. The Court finds  
2 that failure to grant the requested continuance likely would result in a miscarriage of justice. The Court  
3 further finds that the interests of the public and the Defendant in a speedy trial are outweighed by the  
4 ends of justices, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

5 Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended  
6 until December 8, 2006, with a new trial date of January 22, 2007. Voir dire, Trial Briefs, and Jury  
7 Instructions shall be due by January 18, 2007. The time between November 27, 2006 and the new trial  
8 date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and  
9 3161(h)(8)(B)(iv).

10 The Court also ORDERS that the evidentiary hearing on Defendant's Motion to Suppress be  
11 continued until December 20, 2006, at 9 a.m.

12 SO ORDERED this 7th day of November, 2006.

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16 John C. Coughenour  
17 United States District Judge  
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